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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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CURT-ALLEN: OF THE FAMILY BYRON, Plaintiff, v. JOHN LOVICK, et al., Defendants.	CASE NO. C10-0609JLR ORDER DENYING MOTIONS FOR DEFAULT

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Before the court are eight motions for entry of default filed by Plaintiff Curt-

Allen: of the family Byron against numerous high-ranking government officials,

including the Governors of Washington and California, the United States Secretary of

State, and the United States President. (Dkt. ## 27-34.) The court DENIES the motions.

Plaintiff failed to serve the parties he now seeks default against – service is a prerequisite

to filing a motion for default, *see* Fed. R. Civ. P. 55 – and therefore has no basis for

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1 │ moving for default judgment. In addition to failing to serve the parties, Plaintiff also has

2 │ no colorable claim against any of the parties he now seeks default against.
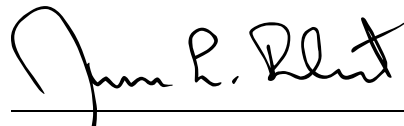
3 │   Plaintiff has attempted to bring claims against Defendants in this case as well as

4 │ those identified in a related case he filed against the Arlington Police Department,

5 │ Snohomish County Sheriff's Department, and a number of high-ranking government

6 │ officials. *See Curt Allen v. Arlington Police Dep't, et al.*, No. 10-1086JLR (W.D. Wash.

7 │ filed July 1, 2010). In both cases, Plaintiff has inundated the court with frivolous

8 │ motions, the frequency of which seems to be increasing. (*See* No. 10-1086JLR (Dkt. ##

9 │ 6, 8, 9) (Plaintiff's motions requesting to freeze assets held by a towing company and to

10 │ enjoin the municipal court from proceeding in a related criminal proceeding); No. 10-

11 │ 0609 (Dkt. ## 10, 16, 17, 27-34) (In addition to the current motions for default, Plaintiff

12 │ has also filed a motion to deny the individual Defendants a right to a government attorney

13 │ and a motion to amend his pleadings to add additional high-ranking government

14 │ officials.) Although Plaintiff's conduct has not arisen to a level, *yet*, that would require

15 │ the court to begin the process of declaring him a vexatious litigant, the court is compelled

16 │ to caution Plaintiff that his most recent filings are of concern to the court and to educate

17 │ Plaintiff on his obligation to abstain from frivolous litigation.

18 │   Federal courts have the discretion to enjoin certain litigants from engaging in

19 │ frivolous litigation. *See* 28 U.S.C. § 1651; *Clinton v. United States*, 297 F.2d 899 (9th

20 │ Cir. 1961). Litigation misconduct is also sanctionable under the court's inherent powers.

21 │ *See* Local Rules W.D. Wash. GR 3(d) (giving the court authority to sanction a party who

22 │ "presents to the court unnecessary motions or unwarranted opposition . . ., or who

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1   otherwise so multiplies or obstructs the proceedings in a case as to increase the cost

2   thereof unreasonably and vexatiously"); Fed. R. Civ. P. 11 (allowing for sanctions where

3   "a filing is frivolous, legally unreasonable, or without factual foundation, or is brought

4   for an improper purpose"); *see also Fink v. Gomez*, 239 F.3d 989, 991 (9th Cir. 2001).

5   Accordingly, the court has the inherent authority to both enjoin Plaintiff's future filings

6   and to issue sanctions if he continues to abuse the judicial process by acting vexatiously,

7   wantonly, or with oppressive motives. *See Gomez v. Vernon*, 255 F.3d 1118, 1133-34

8   (9th Cir. 2001) (citing *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 766 (1980)).

9   When faced with litigation abuses by a *pro se* party, a court "cannot . . . decline to

10 impose a sanction, where a violation has arguably occurred, simply because plaintiff is

11 proceeding *pro se*." *See Warren v. Guelker*, 29 F.3d 1386, 1390 (9th Cir. 1994). The

12 sanctions that may be imposed under any or all of the above authorities include monetary

13 sanctions and the imposition of a standing bar order that limits a plaintiff's ability to file

14 future actions *pro se*.

15   Dated this 9th day of August, 2010.

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    JAMES L. ROBART
19 United States District Judge

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